

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
MIDLAND/ODESSA DIVISION

**MELISSA WALLER,**  
*Plaintiff,*

**V.**

**JET SPECIALTY, INC.,**  
*Defendant.*



MO:23-CV-00121-DC

## ORDER ADOPTING R&R

BEFORE THE COURT is the report and recommendation from United States Magistrate Judge Ronald C. Griffin concerning Defendant Jet Specialty, Inc.'s ("Defendant" or "Jet") Motion to Dismiss Plaintiff's Second Amended Complaint. Doc. 30. Pursuant to 28 U.S.C. § 636(b) and Rule 1(d) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas, Magistrate Judge Griffin issued his report and recommendation on November 19, 2024. As of the date of this order, no party has filed objections to the report and recommendation.

Pursuant to 28 U.S.C. § 636(b), a party may serve and file specific, written objections to a magistrate judge's proposed findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. When no objections are timely filed, a district court can review the magistrate's report and recommendation for clear error. *See* Fed. R. Civ. P. 72 advisory committee's note ("When no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.").

Because no party in this case has filed timely objections, the Court reviews the report and recommendation for clear error. Having done so and finding no clear error, the Court accepts and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the Report and Recommendation of the United States Magistrate Judge, Doc. 46, is **ADOPTED**. Defendants' Motion to Dismiss, Doc. 30, is **GRANTED IN PART** and **DENIED IN PART**.

It is so **ORDERED**.

SIGNED this 6th day of December, 2024.

A handwritten signature in black ink, appearing to read 'David Counts', with a stylized star-like flourish at the end.

DAVID COUNTS  
UNITED STATES DISTRICT JUDGE